

IT IS ORDERED

Date Entered on Docket: December 9, 2022



The Honorable David T. Thuma  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

IN RE:

ANTHONY J. MONTOYA  
SSN / ITIN: xxx-xx-3324

Debtors.

Case No. 13-19-10549-TF

**STIPULATED ORDER RSOLVING THE MOTON FOR RELIEF  
AND ALLOWING LOAN MODIFICATION**

This matter came before the Court on the Motion for Relief from Stay, filed on December 17, 2021 (DOC 48) and the Motion to Allow Loan Modification, filed on November 4, 2022 (DOC 65) by Lakeview Loan Servicing, LLC (“Lakeview”), and the Debtors and Trustee stipulating to the form of this Order, and the Court being otherwise sufficiently informed, FINDS:

a. On December 17, 2021, Lakeview served the Motion for Relief and a notice of the Motion and on November 9, 2022, Lakeview served the Motion to Allow Loan Modification and a Notice of Motion on Gerald R. Velarde, Attorney for Debtors and Tiffany M. Cornejo (the

“Trustee”) and all parties that filed a Request for Notice with the Court, by use of the Court’s case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor Anthony J. Montoya, by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

b. The Motions relate to the property located at 704 S. 1<sup>st</sup> St., Bloomfield, NM 87413 more fully described as:

LOT 4, IN BLOCK 2, OF THE SOUTHSIDE ADDITION, IN  
THE CITY OF BLOOMFIELD, SAN JUAN COUNTY, NEW  
MEXICO, AS SHOWN ON THE AMENDED PLAT OF SAID  
ADDITION FILED FOR RECORD FEBRUARY 9, 1959.

including any improvements, fixtures, and attachments, such as, but not limited to, mobile homes (the “Property”). If there is a conflict between the legal description and the street address, the legal description shall control.

c. The Notices provided for an objection deadline of 21 days from the date of service of the Notice, to which three days was added pursuant to Bankruptcy Rule 9006(f);

d. The Notices were sufficient in form and content;

e. The objection deadline for the Motion for Relief expired on January 10, 2022 and the objection deadline for the Motion to Allow Loan Modification expired on November 30, 2022.

f. A Response to the Motion for Relief was filed on January 11, 2022. As of December 1, 2022, no party in interest filed an objection to the Motion to Allow Loan Modification;

g. The Court being advised of both the Debtors’ and the Trustee’s consent to the relief requested herein and their approval as to the form of this Order; and the Court having

considered Lakeview's Motions, now enter this Order resolving the Motion for Relief and allowing for loan modification.

h. The parties stipulate and agree to the terms set out in the Modification attached to the Motion as Exhibit D. On September 28, 2022, the Debtors executed a Loan Modification Agreement. The Loan Modification capitalized the default amount into a new principal amount of \$118,804.35 with an interest rate of 6.125%. Post-Petition Mortgage fees set forth in Notices filed by the Creditor on February 11, 2020, May 28, 2020, May 12, 2022, and September 12, 2022 have been included as paid in full by the Loan Modification. The default set out in the Motion for Relief will also be resolved by the Loan Modification

IT IS, THEREFORE, THE ORDER OF THIS COURT:

That the Modification of the loan held by Lakeview Loan Servicing, LLC regarding the real property identified in Lakeview's Note and Mortgage is allowed. Said property is located at 704 S. 1<sup>st</sup> St., Bloomfield, NM 87413 (the "Property"), more fully and completely described as:

LOT 4, IN BLOCK 2, OF THE SOUTHSIDE ADDITION, IN  
THE CITY OF BLOOMFIELD, SAN JUAN COUNTY, NEW  
MEXICO, AS SHOWN ON THE AMENDED PLAT OF SAID  
ADDITION FILED FOR RECORD FEBRUARY 9, 1959.

including any improvements, fixtures, and attachments, such as, but not limited to, mobile homes. If there is a conflict between the legal description and the street address, the legal description shall control.

That the Motion for Relief is resolved and the Hearing set for December 6, 2022 at 1:30 p.m. is hereby vacated.

XXX END OF ORDER XXX

SUBMITTED BY:

ROSE L. BRAND & ASSOCIATES, P.C.

By /s/Elizabeth Dranttel e-signed

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APPROVED BY:

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By concurrence received via e-mail 12.5.22

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TIFFANY M. CORNEJO  
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